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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,748	12/08/2003	Robert G. Scheffler	BBT03-02	2650

7590 10/26/2006  
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Westborough, MA 01581

EXAMINER

LANE, JOHN A

ART UNIT	PAPER NUMBER
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2185

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/730,748

Applicant(s)

SCHEFFLER ET AL.

Examiner

Jack A. Lane

Art Unit

2185

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office action is responsive to the application filed 06/07/2004. Claims 1-64 are presented for examination. Applicant must insert the corresponding U.S. patent application serial number for the related application identified on pages 1 and 28 of the present specification. All attorney docket numbers must be deleted from the specification.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. In the event a “computer readable medium” or similar language is claimed (e.g. present claims 30 and 64), applicant must limit such language to tangible media such as disk, RAM etc. Intangible media, such as, carrier wave, transmission wave etc. must be deleted from the specification and claims.
4. The examiner requests, in response to this Office action, any documentation known to qualify as prior art under 35 U.S.C. sections 102 or 103 with respect to the invention as defined by the independent(s) claims. That is, any prior art (including any documentation used to develop the disclosed/claimed subject matter, background art and any products for sale) similar to the claimed invention that could reasonably be used in a 102 or 103 rejection. Furthermore, if applicant has knowledge of/been made aware of an assertion (perhaps by another examiner in a

rejection or in a court proceeding) that a prior art element/device corresponds to or anticipates a presently claimed limitation then such assertion must be provided to the examiner.

The examiner is looking for the following that appears to represent the main invention(s)/embodiment(s): servicing a request (from claimed “source”) at a node by either accessing local memory (at a node receiving request) or access memory at another node.

This request does not require a search. Support for this request is derived from 37 CFR 1.56 and 1.105, however, it is not intended to interfere with or go beyond that **required** under 37 CFR 1.56 or 1.105.

The request may be fulfilled by asking the attorney(s) of record handling prosecution and the inventor(s)/assignee for references qualifying as prior art. A simple statement that the query has been made and no prior art found is sufficient to fulfill the request. Otherwise, the fee and certification requirements of 37 CFR section 1.97 are waived for those documents submitted in reply to this request. This waiver extends only to those documents within the scope of this request that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this request and any information disclosures beyond the scope of this request are subject to the fee and certification requirements of 37 CFR section 1.97.

In the event documentation (e.g. newly submitted/previously submitted on an IDS, incorporated by reference or “common knowledge” generally found in the background section but not a publication) is determined to qualify as prior art, a discussion of relevant passages, figs. etc. with respect to the claims must be provided. That is, for at least each **independent** claim limitation (including structural and functional limitations linking claim elements, e.g. coupled to,

responsive to) identify a corresponding prior art element by page, line and/or fig. Since applicant is most knowledgeable of the present invention and submitted art, a discussion of the reference(s) with respect to the instant claims is essential.

In the present disclosure, the Background section identifies several prior art devices and/or systems. In response to this Office action, the examiner requests identification of all independent claim limitations (claims 1, 12, 28, 29, 30, 31, 48, 53, 55, 59, 62, 63 and 64) corresponding to prior art elements in the background documentation. Since applicant is most knowledgeable of the present invention and the background art, a discussion of the background art with respect to the instant claims is essential. That is, for each claim limitation (including structural and functional limitations linking claim elements, e.g. coupled to, responsive to) identify a corresponding prior art element by page, line, and/or fig. Applicant must specifically state if no present claim limitations exist in the background art.

**The examiner also requests**, in response to this Office action, a showing of support for the following: Correlation and identification of what structure, material, or acts set forth in the specification would be capable of carrying out a function recited in a means or step plus function claim limitation (i.e. all means language of claim 53); All independent claim language that does not have antecedent basis in the descriptive portion of the specification. That is, if an exact claim word or phrase cannot be found in the descriptive portion of the specification (e.g. by text searching), such claim word(s) or phrase(s) must be identified. Applicant must specifically state that all claim language exists in the descriptive portion of the specification, if such is the case, in response to this request; Claim language added to any present claims on amendment and any new claims. Indicate support for claim language/limitation(s) (including structural and

functional language linking claim elements e.g. coupled to, responsive to) by specifically pointing to page(s) and line no(s). in the specification and/or drawing figure(s) and the corresponding limitation. This request is derived from 37 CFR 1.105 and will assist in prosecuting the application.

**Additionally**, in the event documentation is incorporated by reference (i.e. the related U.S. patent application identified on page 1 of the present specification) and is relied upon for supporting claim limitations, such supporting documentation and limitation(s) must be identified. Applicant must specifically state that the incorporated documentation is not needed to support the present claims, if such is the case, in response to this request.

In the event benefit to an earlier filed application is claimed (i.e. provisional applications 60/476,673 and 60/476,705) and incorporated by reference there is a possibility such incorporation provides needed support for the present claims. Furthermore, it is difficult to determine whether the language of the present claims was present in the provisional applications. Therefore, if an exact claim word or phrase (for at least all independent claims) cannot be found anywhere in the provisional application(s) (e.g. by text searching), such claim word(s) or phrase(s) must be identified. Applicant must specifically state that all claim language exists in the provisional applications, if such is the case, in response to this request.

5. Claim 47 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The preamble of dependent claim 47 "A data storage structure" is unclear and does not further limit the independent claim 31.

**Any response to this action should be mailed to:**

Under Secretary of Commerce for Intellectual Property and Director of the  
United States Patent and Trademark Office  
PO Box 1450  
Alexandria, VA 22313-1450

**or faxed to:**

(571) 273-8300, (for Official communications intended for entry)

**Or:**

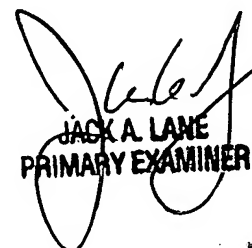
(571) 273-4208, (for Non-Official or draft communications, please label  
"Non-Official" or "DRAFT")

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack A. Lane whose telephone number is 571 272-4208. The examiner can normally be reached on Mon-Fri from 7:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 571 272-4210.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 272-2100.

  
JACK A. LANE  
PRIMARY EXAMINER